

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC BAEZ, )  
                  )  
                  )  
**Plaintiff,** )  
                  )  
                  )  
v.               )      **Case No. 1:20-cv-9-SPB-RAL**  
                  )  
                  )  
**JENNIFER MOONEY, et al.,** )  
                  )  
                  )  
**Defendants.** )

**MEMORANDUM ORDER**

Plaintiff Eric Baez, an inmate housed at SCI-Albion, brought this *pro se* civil rights action against four officials employed by the Department of Corrections for, among other things, alleged retaliation in violation of the First Amendment and alleged violation of Plaintiff's rights under the Equal Protection Clause of the Fourteenth Amendment. The matter has been referred to United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings, in accordance with the Magistrates Act, 28 U.S.C. §636(b)(1), and Rules 72(C) and (D) the Local Civil Rules of Court.

Following a period of discovery, Defendants filed a motion for summary judgment relative to the First Amendment and Equal Protection claims. ECF No. 47. The motion has been fully briefed and is ripe for adjudication.

On March 17, 2022, Judge Lanzillo filed a Report and Recommendation in which he opined that the Defendants' motion should be denied due to the presence of various disputed issues of material fact. ECF No. 62. Objections to the Report and Recommendation were due to be filed on or before April 4, 2022, but that deadline was later extended to May 2, 2022. To date, no objections have been received.

Accordingly, after *de novo* review of the Complaint, the Defendants' motion and all filings relevant thereto, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of May, 2022;

IT IS HEREBY ORDERED that the motion for summary judgment filed by the Defendants, ECF No. [47], shall be, and hereby is, DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on March 17, 2022, ECF No. [62], is adopted as the opinion of this Court.



SUSAN PARADISE BAXTER  
United States District Judge

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